

**Hillcrest Health Care Center and Local 1086,  
United Food & Commercial Workers Interna-  
tional Union, AFL-CIO, CLC. Case 18-RC-  
13284**

15 August 1983

**DECISION AND CERTIFICATION OF  
RESULTS OF ELECTION**

**BY MEMBERS JENKINS, ZIMMERMAN, AND  
HUNTER**

Pursuant to a Stipulation for Certification Upon Consent Election<sup>1</sup> executed by the parties and approved by the Regional Director for Region 18 of the National Labor Relations Board on 9 July 1982, an election by secret ballot was conducted in the above-entitled proceeding on 23 July 1982 under the direction and supervision of said Regional Director. Upon the conclusion of the election, a tally of ballots was furnished the parties in accordance with the Board's Rules and Regulations, Series 8, as amended.

<sup>1</sup> Member Hunter joins his colleagues in honoring the parties' stipulation as to the appropriateness of the unit in this health care facility and notes that he generally will accept unit stipulations in the health care field. In so doing, he recognizes that acceptance of parties' unit stipulations fosters the statutory policy of encouraging the practice and procedure of collective bargaining, permits the expeditious resolution of questions concerning representation, and is consistent with Congress' concern that disruptions in health care institutions caused by initial organization activities be minimized. He also recognizes, however, that a stipulated unit may so substantially contravene the congressional admonition to avoid undue proliferation of units as to increase significantly the likelihood of disruption to health care. Furthermore, there may be situations when the stipulation is derived from the mere convenience of the parties to the detriment of important rights and interests of the employees, or situations where the stipulation otherwise is contrary to the policies of the Act. In all such circumstances Member Hunter will decline to honor the parties' stipulation since the public interest must outweigh the convenience of the private parties involved.

The tally of ballots shows that there were approximately 115 eligible voters and that 91 ballots were cast, of which 45 were for the Petitioner, 46 were against the Petitioner, and that there were no challenged ballots.

On 29 July 1982 the Petitioner filed a timely objection to conduct affecting the results of the election. The Regional Director caused an investigation of the objection to be made and, thereafter on 20 September 1982, issued and served on the parties his report on the Petitioner's sole objection. In his report, the Regional Director found no merit in Petitioner's objection and recommended to the Board that the objection be overruled in its entirety, and that a certification of results of election be issued.

The Board has reviewed the record in light of the exceptions and brief and hereby adopts the Regional Director's recommendations as contained in his report. Accordingly, the Petitioner's objection is overruled in its entirety.

As the Petitioner failed to receive a majority of the valid ballots cast, we shall certify the results of the election.

**CERTIFICATION OF RESULTS OF  
ELECTION**

It is hereby certified that a majority of the valid ballots has not been cast for Local 1086, United Food & Commercial Workers International Union, AFL-CIO, CLC, and that said labor organization is not the exclusive representative of all the employees in the unit herein involved, within the meaning of Section 9(a) of the National Labor Relations Act, as amended.